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REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

SECURITY COUNCIL
Forty-ninth year

Letter dated 10 May 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to forward to you herewith the aide-mémoire of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 30 April 1994.

I should be grateful if you would have the aide-mémoire circulated as a document of the General Assembly, under items 64 and 65 of the preliminary list, and of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

* A/49/50/Rev.1.

Annex

AIDE-MÉMOIRE OF THE MINISTRY OF FOREIGN AFFAIRS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA DATED 30 APRIL 1994

(A new peace arrangement should be established to substitute for the armistice arrangement on the Korean peninsula)

It is going to be 41 years since guns ceased roaring on the Korean peninsula and the Korean Armistice Agreement was signed.

While an uncertain no-peace, no-war situation has lasted for four decades in the cease-fire setting, tensions in Korea have persisted unabated and the danger of war has snowballed with the passage of days.

In recent months alone, the United States has shipped its up-to-date military hardware, including Patriot missile batteries, into south Korea, massively deployed its supercolossal aircraft carriers and a number of other warships around the waters of the Democratic People's Republic of Korea and, on the other hand, conducted joint war manoeuvres one after another along with south Korea. These moves have led to a touch-and-go situation today in which a nuclear war might break out at any moment on the Korean peninsula. The current developments highlight the urgent need for effective and decisive steps to be taken to obviate the danger of war and establish a new security arrangement in Korea.

I. THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA HAS WORKED HARD TO CONVERT THE CEASE-FIRE ARRANGEMENT INTO A DURABLE PEACE

The Korean Armistice Agreement, 1/ signed on 27 July 1953, is simply a provisional arrangement that presupposes a follow-up process in which the two belligerent sides should disengage themselves from military actions and should work to replace the truce with a peace agreement.

Paragraph 60 of article IV of the Korean Armistice Agreement provides that: "In order to ensure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the Governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc."

The Government of the Democratic People's Republic of Korea has done all it could to the best of its abilities faithfully to implement the Armistice Agreement and convert the cease-fire arrangement into a durable peace.

At the talks between the two signatories to the Armistice Agreement that began in October 1953 in Panmunjom to deal with a Korean political conference, the Government of the Democratic People's Republic of Korea submitted all-

inclusive proposals with respect to the classification of the participants, agenda items and even a press release of the conference, and made patient efforts to bring the conference about. The talks, however, were broken off on 12 December 1953, when the United States walked out of the twenty-third round of talks after persistently repeating its own unreasonable assertions.

It was thanks to the persevering efforts by the Government of the Democratic People's Republic of Korea that the conference of foreign ministers from the countries concerned with a peaceful coordination of the Korean question took place in April 1954 in Geneva.

At this conference, the Government of the Democratic People's Republic of Korea proposed that a unified Government be established through all-Korea democratic elections and all the foreign forces be withdrawn from Korea within six months thereafter, and did its level best to bring about a consensus on this proposal.

The United States, however, insisted illogically that "elections" should be held in accordance with south Korea's "constitutional procedures" and in the presence of the United Nations, a belligerent party vis-à-vis the Democratic People's Republic of Korea, and that the United States troops should not withdraw until a Government of "unified Korea" is established. Later, the United States issued a unilateral declaration on suspending the Geneva conference and eventually wrecked the conference.

The sincere efforts by the Government of the Democratic People's Republic of Korea continued afterwards, though, to fulfil its obligations as a signatory to the Armistice Agreement.

The Government of the Democratic People's Republic of Korea demobilized 80,000 servicemen in 1956 and took measures, with the consent of the Government of the People's Republic of China, to have the Chinese People's Volunteers withdrawn in 1958.

In the early 1970s, the United States and the south Korean authorities derailed the effortfully arranged north-south high-level talks and betrayed themselves in pursuing the "two Koreas" policy. In this situation, however, the Democratic People's Republic of Korea proposed in March 1974 that the Democratic People's Republic of Korea and the United States hold bilateral talks at which to discuss ways to defuse military confrontation and to conclude a peace agreement, and moved further by addressing to the Congress of the United States a draft of the peace agreement intended for discussion at the proposed talks.

The proposal from the Democratic People's Republic of Korea has been confirmed to be just and reasonable by a resolution of the United Nations. Echoing this proposal, the thirtieth session of the United Nations General Assembly adopted resolution 3390 B (XXX) in November 1975, calling for the dissolution of the "United Nations Command" in south Korea, the replacement of the Armistice Agreement with a peace agreement and the withdrawal of all the foreign troops from south Korea. Pressed so hard by the strong world public, the United States, too, had no choice but to include in its draft resolution submitted to the thirtieth session of the General Assembly the need to bring

together all the parties directly concerned to negotiate a new arrangement, that would substitute for the Armistice Agreement and help to de-escalate tensions and establish a lasting peace.

Later, the United States indicated its willingness to move towards defusing tensions on the Korean peninsula through tripartite talks involving the United States and the Democratic People's Republic of Korea and also south Korea, instead of the proposed bilateral talks between the Democratic People's Republic of Korea and the United States. Taking into consideration the position expressed by the United States and south Korea, the Democratic People's Republic of Korea formally announced an epoch-making proposal in January 1984 to open tripartite talks by including the south Korean authorities on an equal footing in the proposed bilateral talks between the Democratic People's Republic of Korea and the United States, at which the Democratic People's Republic of Korea and the United States were to sign a peace agreement on a bilateral basis, on the one hand, and the north and the south were to adopt a non-aggression declaration, on the other hand.

At the annual session of the General Assembly in October 1993, the Democratic People's Republic of Korea told the Assembly that it was high time for an innovative decision to be made for dissolving the "United Nations Command" in south Korea and replacing the Armistice Agreement with a peace agreement, and proposed that negotiations be held among the parties concerned, with a view to establishing a new peace arrangement that will substitute for the existing truce arrangement.

Most recently, through the statement of its Ministry of Foreign Affairs dated 28 April this year (see S/1994/513), the Government of the Democratic People's Republic of Korea proposed to the United States that the two countries hold negotiations for establishing a new peace arrangement that will help to guarantee peace reliably on a practical basis, stressing an urgent need to turn the Armistice Agreement into a peace agreement, as the present cease-fire arrangement is no longer in a position to prevent either an arms build-up or the military threat or war on the Korean peninsula.

Far from accepting all these just proposals from the Democratic People's Republic of Korea, the United States has continued to violate the Armistice Agreement by stepping up its military build-up and frequently staging large-scale military exercises.

II. THE ARMISTICE AGREEMENT AND TRUCE MECHANISM HAVE BEEN PARALYSED AND TURNED INTO WORTHLESS INSTRUMENTS

The United States, a real party to the Armistice Agreement, has systematically violated the provisions of this Agreement over the last 40 years.

Having signed the Armistice Agreement on 27 July 1953, the United States concluded the "United States of America-Republic of Korea Mutual Defense Assistance Treaty" in October of the same year with the south Korean authorities in violation of the provisions of the Agreement in an effort to legalize the United States military presence in south Korea.

On 7 November 1955, the United States side shot down a helicopter flying to Kimpo airport on a regular inspection mission of the Neutral Nations Supervisory Commission, killing three Polish delegates of the Commission aboard the helicopter.

On 9 June 1956, the United States forced the Neutral Nations Inspection Teams to withdraw from the designated ports of entry in the United Nations Command-controlled area where the Teams had been stationed in accordance with section C of article II of the Armistice Agreement, because the Teams were observing and reporting the violations of the Agreement by the United States.

It was since then that the Neutral Nations Supervisory Commission was not able to carry out its missions mandated by the Armistice Agreement.

On 21 June 1957, following the expulsion of the on-site Inspection Teams, the United States declared unilateral non-compliance with subparagraph 13 (d) of the Armistice Agreement, which ruled out the introduction into Korea of the reinforcing operational matériel.

Subparagraph 13 (d) of the Armistice Agreement stipulated that the opposing sides "cease the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons and ammunition". This is how the United States paved the way for the legal and administrative basis on which it could proceed with its unbridled arms build-up in south Korea. The United States has since introduced into south Korea a massive quantity of sophisticated weapons, including 1,000 nuclear weapons without any restrictions.

It is none other than the United States that is responsible for the "USS Pueblo incident", the "EC-121 spyplane incident" and the "Panmunjom incident" - incidents that precipitated the situation on the Korean peninsula to the brink of war, thus focusing world attention on the peninsula. To make matters worse, on 25 March 1991, the United States unilaterally designated a south Korean army "general" as the chief delegate of the United Nations Forces to the Military Armistice Commission, despite his apparent disqualification because of the legal irrelevance of his designation to the Armistice Agreement.

This is an open perfidy of paralysing the military armistice mechanism and ignoring and ridiculing the other signatory of the Armistice Agreement. In response to this, the Democratic People's Republic of Korea had no choice but to recall its chief delegate to the Military Armistice Commission.

Such irresponsible behaviour on the part of the United States has only invalidated the provisions of the Armistice Agreement essential for preventing the recurrence of war and put the Agreement-implementing bodies out of operation. Consequently, the Military Armistice Commission has turned into a nominal body in which its legitimate component parties ceased to exist, and the Armistice Agreement has been reduced to blank sheets of paper incapable of helping to ensure peace on the Korean peninsula.

The present-day reality is that both the arms build-up and the recurrence of war cannot be prevented by the obsolete armistice mechanism, which has turned out to be a tool of the cold-war policy.

III. THE STATE OF CEASE-FIRE SHOULD TURN INTO A STATE OF LASTING PEACE

The continued accountability of the Democratic People's Republic of Korea and the United States to the Armistice Agreement and the absence of a new security arrangement for practically guaranteeing peace are responsible for the uncertainty of situation that has continued on the Korean peninsula since the end of the Korean war. In other words, the uncertainty of situation remains in place because the cold-war structure has failed to give way to the structure of rapprochement on the Korean peninsula.

It is a matter of common knowledge that the Armistice Agreement has established the relations between the Democratic People's Republic of Korea and the United States - the real parties to the Agreement - as hostile relations.

In order for the Democratic People's Republic of Korea and the United States to create new peaceful relations replacing such hostile relations, it is essential to terminate the cease-fire arrangement, which is the typical legacy of the cold-war era, and develop a new peace arrangement. This will help to eliminate the threat of an alleged "southward invasion" and a perceived "northward invasion" and to establish new relations of both rapprochement and mutual confidence between the Democratic People's Republic of Korea and the United States, relations that will dissipate confrontation and mistrust.

The Democratic People's Republic of Korea has already recommended the United States more than once through channels of contacts to consider instituting a new security arrangement, rather than maintaining the status quo of the armistice arrangement or reviving the inoperative cease-fire mechanism. The United States has, however, refused to accept favourably the credible proposals and initiatives of the Democratic People's Republic of Korea.

An intention to maintain the state of cease-fire even in the present post-cold-war era will be understood to be the intention to continue the cold-war policy on the Korean peninsula. It will also be regarded as the intention to move towards confrontation and war, instead of peace and stability.

In the final analysis, the long-standing hostile relations between the Democratic People's Republic of Korea and the United States have spawned crucial issues, including the nuclear issue, on the Korean peninsula, plunging efforts to resolve the issues into an impasse.

If the two countries had already ceased to be hostile to each other and normalized their relations, they would never have found themselves faced with those issues at all, and even if certain issues might have occurred, they could have resolved those issues, if any, without difficulty in an atmosphere of confidence. After all, the nuclear issue on the Korean peninsula, too, will be resolved smoothly only when it is addressed in a package approach in the perspective of the overall relationship between the Democratic People's Republic of Korea and the United States.

The current situation on the Korean peninsula calls for an early termination of the armistice regime. There is no need for the Democratic

People's Republic of Korea and the United States to remain hostile nations, simply on the grounds that they once fought a war.

At the first round of bilateral talks in June 1993, the Democratic People's Republic of Korea and the United States agreed to the principles of non-aggression, an indication that the two countries have recognized the need to do so. Such being the case, there are no conditions that prevent the United States from legally terminating the state of cease-fire and improving its relations with the Democratic People's Republic of Korea.

There might be several approaches to terminating the state of cease-fire. One of the universally recognized practices is that a belligerent party takes the initiative to terminate belligerency. There are examples of countries having terminated their hostile relations that shaped up at the end of the Second World War. Egypt and Pakistan, for instance, declared unilaterally the termination of the state of war with Germany in 1951, and the former Soviet Union issued a decree of the Presidium of the Supreme Soviet in January 1955, declaring its decision to terminate the state of war with Germany.

In the event that the United States defiantly continues its reluctance to respond to the proposal of the Democratic People's Republic of Korea on terminating the state of cease-fire in favour of a new peace arrangement, the Democratic People's Republic of Korea will be left with no alternative but to adopt, at a time it considers appropriate, measures to renounce unilaterally its status as a signatory to the Armistice Agreement.

Notes

1/ Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953, document S/3079, appendix A.